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PATENT

Docket: 71348

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Clauberg et al.

Serial No.: 09/935,924

Group Art Unit: 2851

Filed: August 23, 2001

Examiner: Rodney Evan Fuller

For: DEVICE AND METHOD FOR THE OPTICAL INSPECTION,
ASSESSMENT, AND CONTROL OF COLORED PLASTIC ARTICLES
AND/OR CONTAINER CONTENTS

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED

UNAVOIDABLY UNDER 37 C.F.R. § 1.137(a)

OR, IN THE ALTERNATIVE, UNINTENTIONAL UNDER 37 C.F.R. § 1.132 (b)

Applicants respectfully petition for revival of the above referenced application. Applicants respectfully submit that the entire delay in responding to the Final Office Action dated November 3, 2003 was unavoidable and unintentional. A Notice of Appeal is filed concurrent herewith as the required reply to the Final Office Action.

An Affidavit detailing the procedures and controls utilized by Eastman Chemical Company for filing and docketing correspondence received from the Patent and Trademark Office is also enclosed. The Affidavit demonstrates that Applicants have no record of receiving the Final Office Action despite maintaining a docketing and tracking system.

Based on the facts set forth in the Affidavit, Applicants respectfully submit that they believe that the failure to respond to the Final Office Action dated November 3, 2003, was not due to any error on behalf of Applicants or their Attorneys or Agents. To the extent any error occurred, however, such error was unavoidable. Accordingly, revival of the application is requested as the entire delay was unavoidable. If the Commissioner concludes that the standard for an unavoidable delay has not been demonstrated, Applicants request revival as an unintentionally abandoned Application because the entire delay was unintentional.

07/20/2004 SZENDIE1 00000074 050221 09935924

01 FC:1452

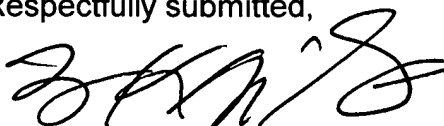
110.00 DA

Authorization is hereby made to charge the amount of \$110.00 for the petition fee required by 37 C.F.R. § 1.17(e) and 1.137 (a)(4) for unavoidable abandonment. The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. 1.16 and 1.17, including, if necessary, the petition fee required by 37 C.F.R. § 1.137(b)(2) and 1.17(m), which may be required by this paper or credit any overpayment to Deposit Account No. 05-0221. A copy of this paper is attached.

Acknowledgement of the active status of this application is respectfully requested.

Eastman Chemical Company
P.O. Box 511
Kingsport, Tennessee 37662
Phone: (423)-229 -3198
FAX: (423) 229-1239

Respectfully submitted,



William K. McGreevey
Registration No. 52,012

7/12/04

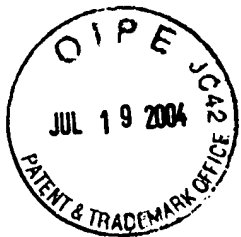
Date

CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)

I hereby certify that this paper (along with any paper(s) referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Karen Taylor
Karen Taylor

7/12/04
Date



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Clauberg et al.

Serial No.: 09/935,924

Group Art Unit: 2851

Filed: August 23, 2001

Examiner: Rodney Evan Fuller

For: DEVICE AND METHOD FOR THE OPTICAL INSPECTION,
ASSESSMENT, AND CONTROL OF COLORED PLASTIC ARTICLES
AND/OR CONTAINER CONTENTS

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AFFIDAVIT

I, William K. McGreevey, do hereby affirm as follows:

1. I am a patent agent registered to practice before the U. S. Patent and Trademark Office.

2. I am currently employed in the legal department of Eastman Chemical Company ("Eastman").

3. Eastman has detailed procedures and controls for filing and docketing correspondence received from the Patent and Trademark Office. Correspondence is received in Eastman's central mail room and sent directly to the legal department. The mail is opened by the legal assistant of the attorney or agent to which the application is

assigned. At that time, the legal assistant notes the receipt of the correspondence in Eastman's computer tracking system (Patent Information Tracing System or PITS), docketing any appropriate response date on the computer system, on the outside cover of the application file and/or via a print screen of the PITS entries which would be placed in the application file. The application file and correspondence is then given to the patent attorney or agent assigned to the application. Moreover, a PITS report containing the list of all upcoming responses is printed out each week for each attorney and agent.

4. The Eastman legal assistants responsible for filing and docketing correspondence received from the Patent and Trademark Office have all been trained in the procedures listed in item 3. The legal assistants have between 2 and 30 years experience in the legal department.

5. A copy of the applicable print screen from PITS, a copy of all the correspondence within the application file, and copies of all return postcards are attached hereto as Exhibits A-P. A summary of the document represented by each exhibit is given below.

Exhibit A	Print screen from PITS docketing system. As indicated by handwritten note, I am informed by Eastman's docketing staff and believe that the November 3, 2003, Final Rejection was entered into PITS after receipt of the May 10, 2004, fax copy and that the December 3, 2003, and February 3, 2004, entries on PITS were added automatically by the software at the time the November 3, 2003, Final Office Action was entered.
Exhibit B	USPTO returned post card – receipt of application
Exhibit C	USPTO Filing Receipt
Exhibit D	USPTO Notice to File Missing Parts of Nonprovisional Application
Exhibit E	Applicant's response to Notice to File Missing Parts of Nonprovisional

	Application
Exhibit F	USPTO returned post card – receipt of Notice to File Missing Parts
Exhibit G	USPTO Updated Filing Receipt
Exhibit H	USPTO Notice of Publication of Application
Exhibit I	Applicant's – Transmittal of Information Disclosure Statement
Exhibit J	USPTO returned post card – Supplemental Information Disclosure Statement
Exhibit K	USPTO Office Action
Exhibit L	Applicant's – Associate Power of Attorney
Exhibit M	Applicant's – Response to Office Action
Exhibit N	USPTO returned post card – receipt of Response to Office Action and Associate Power of Attorney
Exhibit O	USPTO – Fax sheet and Final Office Action
Exhibit P	USPTO – Notice of Abandonment

Applicant's last response was filed on August 13, 2003, in response to the Office Action dated May 28, 2003. See Exhibit M. Eastman's PITS system shows no record of receiving another response from the Patent office until the Final Office Action dated November 3, 2003 was faxed from examiner on May 10, 2004. See Exhibit O. The Notice of Abandonment dated May 11, 2004, was received by Eastman on May 14, 2004. See Exhibit P.

6. As shown by the Exhibits, the correspondence relating to this application were received and docketed according to Eastman's system. There is no indication of receipt of the Final Office Action for this case until a copy of the Final Office Action was sent by facsimile on May 10, 2004. The Notice of Abandonment states that it was mailed on May 11, 2004.

The undersigned declares further that all statements made herein of his knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

7/12/04
Date

William K. McGreevey
William K. McGreevey

STATE OF TENNESSEE)
) ss.
COUNTY OF SULLIVAN)

On this 12th day of July, 2004 personally appeared before me, a Notary Public in and for Sullivan County, William K. McGreevey, to me known and known to me to be the person described in and who executed the foregoing instrument, and who acknowledged to me that he executed the same.

Kristi D. Huff
Notary Public

My Commission Expires

July 21, 2007



Exhibit A

Patent Management System
FILING ACTIVITIES SCREEN LISTING 07/02/2004

Docket: 71348 Country: US Sequence: 02 UNITED STATES OF AMERICA

Past	23AUG2001	COMPLETE SPECIFICATION FILED
Past	23AUG2001	DISCLOSURE STATEMENT FILED
Past	23AUG2001	PRINTEFS
Past	24AUG2001	AUTHORIZATION TO MAIL FORWARDED TO PATENT OPERATIONS
Past	10OCT2001	FILING RECEIPT
Past	10OCT2001	NOTICE TO FILE MISSING PARTS
Past	15OCT2001	DECLARATION/POWER OF ATTORNEY
Past	15OCT2001	RESPONSE
Past	12MAR2002	FILING RECEIPT
Past	21MAR2002	PUBLICATION - DECISION FOR
Past	26JUN2002	DISCLOSURE STATEMENT FILED
Past	28MAY2003	REJECTION
Past	13AUG2003	POWER OF ATTORNEY
Past	13AUG2003	RESPONSE
Past	03NOV2003	FINAL REJECTION (entered after receipt on 5/10/04)
Next	03DEC2003	AMENDMENT AFTER FINAL REJECTION } automatic entries
Next	03FEB2004	APPEAL (NOTICE OF)
Past	11MAY2004	ABANDONMENT (NOTICE OF)

SN	Docket 71348 (US02)	Attorney Karen A. Harding
Applicant(s) Clauberg et al.		
Title DEVICE AND METHOD FOR THE OPTICAL INSPECTION, ASSESSMENT, AND CONTROL OF COLORED PLASTIC ARTICLES AND/OR CONTAINER CONTENTS		
<p>The following has been received in the USPTO on the date stamped hereon:</p> <p>21 pp. Specification (including abstract and claims) 24 Claims 11 sheets of drawing "Express Mail" Mailing Label No. EE617933325US Payment of \$782 by Deposit Account 05-0221 Utility Patent Application Transmittal (original + 1 copy) Transmittal of Information Disclosure Statement Under 37 CFR 1.97(b) Substitute for form 1449 (2 pages) References (16) Application Data Sheet (2 pages)</p>		

jc978 U.S. PTO
09/935924
08/23/01

DOCKETED BY *jaw*
SEP 13 2001
EASTMAN CHEMICAL COMPANY
LEGAL DEPARTMENT

RECEIVED

SEP 12 2001

EASTMAN CHEMICAL COMPANY
LEGAL DEPARTMENT

Exhibit C

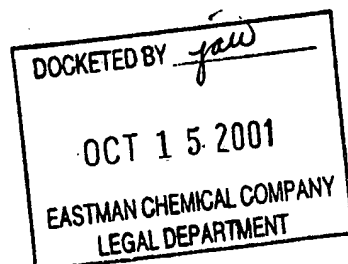


UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/935,924	08/23/2001	2877	782	71348	11	24	3

Karen A. Harding
Eastman Chemical Company
P.O. Box 511
Kingsport, TN 37662-5075



CONFIRMATION NO. 1406

FILING RECEIPT



OC00000006877196

Date Mailed: 10/10/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Horst Clauberg, Yardley, PA;
David Paul Fischer, Kingsport, TN;
Robert Noah Estep, Kingsport, TN;
Michael Eugene Donelson, Gray, TN;

RECEIVED

OCT 15 2001

Domestic Priority data as claimed by applicant

THIS APPLN CLAIMS BENEFIT OF 60/233,462 09/19/2000

EASTMAN CHEMICAL COMPANY
LEGAL DEPARTMENT

Foreign Applications

If Required, Foreign Filing License Granted 10/09/2001

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

Title

Device and method for the optical inspection, assessment, and control of colored plastic articles
and/or container contents

Preliminary Class

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



UNITED STATES PATENT AND TRADEMARK OFFICE

Exhibit D

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/935,924	08/23/2001	Horst Clauberg	71348

CONFIRMATION NO. 1406

FORMALITIES LETTER



OC000000006877197

Karen A. Harding
Eastman Chemical Company
P.O. Box 511
Kingsport, TN 37662-5075

Date Mailed: 10/10/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

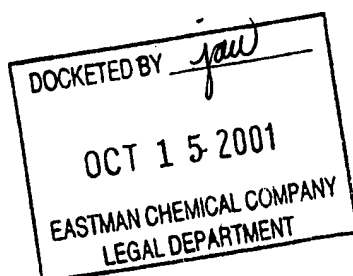
Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center
Initial Patent Examination Division (703) 308-1202
PART 1 - ATTORNEY/APPLICANT COPY



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OCT 15 2001

EASTMAN CHEMICAL COMPANY
LEGAL DEPARTMENT

Exhibit E

Docket: 71348

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Clauberg et al.

Serial No.: 09/935,924

Group Art Unit: 2877

Filed: August 23, 2001

Examiner:

For: DEVICE AND METHOD FOR THE OPTICAL INSPECTION,
ASSESSMENT, AND CONTROL OF COLORED PLASTIC ARTICLES
AND/OR CONTAINER CONTENTS

Box Missing Parts
Assistant Commissioner for Patents
Washington, D.C. 20231

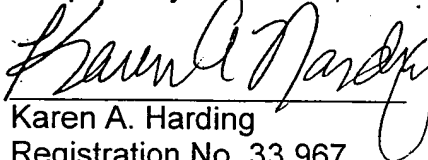
RESPONSE

In response to the Notice to File Missing Parts of Nonprovisional Application mailed October 10, 2001, submitted herewith is a signed Declaration for Utility or Design Patent Application. Also enclosed is a copy of the notice.

Please charge Deposit Account No. 05-0221 in the amount of \$130.00. The Commissioner is hereby authorized to charge any additional fees under 37 CFR 1.16 and 1.17 which may be required by this paper or credit any overpayment to Deposit Account No. 05-0221. A duplicate copy of this paper is attached.

Eastman Chemical Company
P.O. Box 511
Kingsport, Tennessee 37662
Phone: (423) 229-4016
FAX: (423) 229-1239

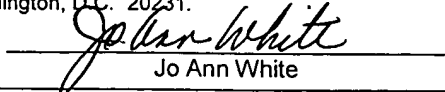
Respectfully submitted,


Karen A. Harding
Registration No. 33,967

Oct. 15, 2001
Date


CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.


Jo Ann White

October 15, 2001
Date

Exhibit F

SN 09/935,924	Docket 71348 (US02)	Attorney Karen A. Harding
Applicant(s) Clauberg et al.		
Title DEVICE AND METHOD FOR THE OPTICAL INSPECTION, ASSESSMENT, AND CONTROL OF COLORED PLASTIC ARTICLES AND/OR CONTAINER CONTENTS		
<p>The following has been received in the USPTO on the date stamped hereon:</p> <p>Payment of \$130.00 by Deposit Account 05-0221 (original + 1 copy) Response to Notice to File Missing Parts of Nonprovisional Application (1 page) Part 2 - Notice to File Missing Parts of Nonprovisional Application Declaration for Utility or Design Patent Application (3 pages)</p> 		

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OCT 26 2001

EASTMAN CHEMICAL COMPANY
LEGAL DEPARTMENT



UNITED STATES PATENT AND TRADEMARK OFFICE

Exhibit G

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/935,924	08/23/2001	2877	912	71348	11	24	3

CONFIRMATION NO. 1406

UPDATED FILING RECEIPT



OC000000007091201

Karen A. Harding
Eastman Chemical Company
P.O. Box 511
Kingsport, TN 37662-5075

RECEIVED

MAR 12 2002

EASTMAN CHEMICAL COMPANY
LEGAL DEPARTMENT

ENTERED

TS 3/12/02

Date Mailed: 11/19/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Horst Clauberg, North Wales, PA;
David Paul Fischer, Kingsport, TN;
Robert Noah Estep, Kingsport, TN;
Michael Eugene Donelson, Gray, TN;

Domestic Priority data as claimed by applicant

THIS APPLN CLAIMS BENEFIT OF 60/233,462 09/19/2000

Foreign Applications

If Required, Foreign Filing License Granted 10/09/2001

Projected Publication Date: 03/21/2002

Non-Publication Request: No

Early Publication Request: No

Title

Device and method for the optical inspection, assessment, and control of colored plastic articles and/or container contents

Preliminary Class

356

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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Exhibit H

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/935,924	08/23/2001	Horst Clauberg	71348

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APR 08 2002

EASTMAN CHEMICAL COMPANY
LEGAL DEPARTMENT

Karen A. Harding
Eastman Chemical Company
P.O. Box 511
Kingsport, TN 37662-5075

CONFIRMATION NO. 1406



OC00000007687254

Title: Device and method for the optical inspection, assessment, and control of colored plastic articles and/or container contents

Publication No. US-2002-0033943-A1
Publication Date: 03/21/2002

ENTERED

Date Mailed: 03/21/2002

NOTICE OF PUBLICATION OF APPLICATION

The above-identified application will be electronically published as a patent application publication pursuant to 37 CFR 1.211, et seq. The patent application publication number and publication date are set forth above.

The publication may be accessed through the USPTO's publicly available Searchable Databases via the Internet at www.uspto.gov. The direct link to access the publication is currently <http://www.uspto.gov/patft/>.

The publication process established by the Office does not provide for mailing a copy of the publication to applicant. A copy of the publication may be obtained from the Office upon payment of the appropriate fee set forth in 37 CFR 1.19(a)(1). Orders for copies of patent application publications are handled by the USPTO's Office of Public Records. The Office of Public Records can be reached by telephone at (703) 308-9726 or (800) 972-6382, by facsimile at (703) 305-8759, by mail addressed to the United States Patent and Trademark Office, Office of Public Records, Crystal Gateway 4, Room 335, Washington, D.C. 20231, or via the Internet.

In addition, information on the status of the application, including the mailing date of Office actions and the dates of receipt of correspondence filed in the Office, may also be accessed via the Internet through the Patent Electronic Business Center at www.uspto.gov using the public side of the Patent Application Information and Retrieval (PAIR) system. The direct link to access this status information is currently <http://pair.uspto.gov/>. Prior to publication, such status information is confidential and may only be obtained by applicant using the private side of PAIR.

Further assistance in electronically accessing the publication, or about PAIR, is available by calling the Patent Electronic Business Center at (703) 305-3028.

Exhibit I

Docket: 71348

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Clauberg et al.

Serial No.: 09/935,924

Group Art Unit: 2877

Filed: August 23, 2001

Examiner:

For: DEVICE AND METHOD FOR THE OPTICAL INSPECTION,
ASSESSMENT, AND CONTROL OF COLORED PLASTIC ARTICLES
AND/OR CONTAINER CONTENTS

Assistant Commissioner for Patents
Washington, D.C. 20231

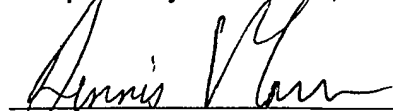
TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR 1.97(b)

In accordance with 37 CFR 1.56, the references listed on the attached Information Disclosure Statement by Applicant are being brought to the attention of the Examiner for consideration in connection with the examination of the above-identified patent application. Copies of the cited documents are enclosed.

An International Search Report in connection with the corresponding PCT application has been received. A copy is enclosed.

The Information Disclosure Statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office Action on the merits, whichever event occurs last. The Commissioner is authorized to charge the fee required to Deposit Account No. 05-0221.

Respectfully submitted,



Dennis V. Carmen
Registration No. 35,007

June 26, 2002
Date

Eastman Chemical Company
P.O. Box 511
Kingsport, Tennessee 37662
Phone: (423) 229-6189
FAX: (423) 229-1239

CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.


Tiffany Scott
Tiffany Scott

6/26/02
Date

71348/US02

Exhibit J

SN 09/935,924	Docket 71348	Attorney Dennis V. Carmen
Applicant(s) Clauberg et al.		
Title . DEVICE AND METHOD FOR THE OPTICAL INSPECTION, ASSESSMENT, AND CONTROL OF COLORED PLASTIC ARTICLES AND/OR CONTAINER CONTENTS		
The following has been received in the USPTO on the date stamped hereon: Supplemental Information Disclosure Statement by Applicant Copy of International Search Report References		

**RECEIVED**

JUL 18 2002

EASTMAN CHEMICAL COMPANY
LEGAL DEPARTMENT



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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Exhibit K
71348/US02

SAO

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/935,924	08/23/2001	Horst Clauberg	71348	1406

7590

05/28/2003

Karen A. Harding
Eastman Chemical Company
P.O. Box 511
Kingsport, TN 37662-5075

EXAMINER

FULLER, RODNEY EVAN

ART UNIT	PAPER NUMBER
----------	--------------

2851

DATE MAILED: 05/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

ENTERED IN PITS

rdh

Office Action Summary	Application No. 09/935,924	Applicant(s) CLAUBERG ET AL.	
	Examiner Rodney E Fuller	Art Unit 2851	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4,5</u> . | 6) <input type="checkbox"/> Other: _____ |

Docket: 71348

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Clauberg et al.

Serial No.: 09/935,924

Group Art Unit: 2877

Filed: August 23, 2001

Examiner: Rodney E. Fuller

For: DEVICE AND METHOD FOR THE OPTICAL INSPECTION,
ASSESSMENT, AND CONTROL OF COLORED PLASTIC ARTICLES
AND/OR CONTAINER CONTENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ASSOCIATE POWER OF ATTORNEY

I hereby appoint Steven A. Owen, Reg. No. 50,355 whose address is Eastman Chemical Company, P.O. Box 511, Kingsport, Tennessee 37662, as Associate Attorneys in the above-identified application with full power to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith. Please address all future communications and telephone calls to Steven A. Owen (Telephone: (423) 229-5534).

Respectfully submitted,

Eastman Chemical Company
P.O. Box 511
Kingsport, Tennessee 37662
Phone: (423) 229-4016
FAX: (423) 229-1239

B.J. Boshears
B.J. Boshears
Registration No. 33,864

August 12, 2003
Date

CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)

I hereby certify that this paper (along with any paper(s) referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Kristi D. Huff
Kristi D. Huff

8/13/03
Date

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kdw

Exhibit M

IN THE UNITED STATES PATENT OFFICE

In re: Horst Clauberg et al. : Art Unit: 2851
: Examiner: Rodney E. Fuller
Date filed: August 23, 2001 :
: Docket No.: 71348
Serial No.: 09/935,924 : Date Mailed:
Confirmation No.: 1406
Title: Device and Method for the Optical Inspection, Assessment, and Control of Colored Plastic
Articles and/or Container Contents

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING 37 CFR 1.8(a)

I hereby certify that this correspondence and any items identified as being included herewith is/are, on the date shown below, being deposited with the United States Postal service with sufficient postage as first class mail, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

8/13/03
Date

Kristi D. Huff
Kristi D. Huff

**Reply Under 37 CFR §1.111
INTRODUCTORY COMMENTS**

Sir,

In response to the Official Office Action mailed May 28, 2003 and having a three (3) month shortened statutory period for reply, please enter the following amendment to the above-identified patent application. Applicant respectfully requests reconsideration or further examination of the claimed invention and consideration of the remarks herein

Enclosed herewith is an Associate Power of Attorney.

vdw

71348/US02

Exhibit N


SN 09/935,924	Docket 71348/US02	Attorney Steven A. Owen
Applicant(s) Clauberg et al.		
Title DEVICE AND METHOD FOR THE OPTICAL INSPECTION, ASSESSMENT, AND CONTROL OF COLORED PLASTIC ARTICLES AND/OR CONTAINER CONTENTS		
<p>The following has been received in the USPTO on the date stamped hereon:</p> <p>Amendment Associate Power of Attorney Certificate of Mailing <u>8/13/03</u></p> 		

Exhibit D



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Fax Cover Sheet

Date: 10 May 2004

To: Steven Owen Eastman Chemical Company	From: Rodney E Fuller
Application/Control Number: 09/035,924	Art Unit: 2851
Fax No.: (423) 229-1239	Phone No.: 571-272-2118
Voice No.: 423-229-5534	Return Fax No.: (703) 872-9306
Re:	CC:
<input type="checkbox"/> Urgent <input type="checkbox"/> For Review <input type="checkbox"/> For Comment <input type="checkbox"/> For Reply <input checked="" type="checkbox"/> Per Your Request	

Comments:
Mr. Owen,

Attached is a copy of the Office Action mailed November 3, 2003.

Rodney Fuller
Examiner

Number of pages 7 including this page

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/935,924	08/23/2001	Horst Clauberg	71348	1406

7590 11/03/2003

Karen A. Harding
Eastman Chemical Company
P.O. Box 511
Kingsport, TN 37662-5075

EXAMINER

FULLER, RODNEY EVAN

ART UNIT PAPER NUMBER

2851

DATE MAILED: 11/03/2003

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Exhibit P

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/935,924	08/23/2001	Horst Clauberg	71348	1406

7590 05/11/2004
Karen A. Harding
Eastman Chemical Company
P.O. Box 511
Kingsport, TN 37662-5075

EXAMINER

FULLER, RODNEY EVAN

ART UNIT PAPER NUMBER

2851

DATE MAILED: 05/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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MAY 14 2004

EASTMAN CHEMICAL COMPANY
LEGAL DEPARTMENT

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Notice of Abandonment

Application No.

09/935,924

Examiner

Rodney E Fuller

Applicant(s)

CLAUBERG ET AL.


Art Unit

2851

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 03 November 2003.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:


Rodney E Fuller
Primary Examiner
Art Unit: 2851

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.